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2
3 **UNITED STATES DISTRICT COURT**
4 **WESTERN DISTRICT OF WASHINGTON**
5 **AT SEATTLE**

Case No. 2:23-cv-0932-JHC

6 FEDERAL TRADE COMMISSION,

7 Plaintiff,

8 v.

9 AMAZON.COM, INC., *et al.*

10 Defendants.
11

12 **DECLARATION OF ADAM ROTTNER**

13 (Pursuant to 28 U.S.C. § 1746)
14

15 I, Adam Rottner, hereby state that I have personal knowledge of the facts set forth below.

16 If called as a witness, I could and would testify as follows:

- 17 1. I am a United States citizen and am over eighteen years of age. I am employed by the
18 Federal Trade Commission (“FTC” or the “Commission”) as a Senior Investigator in the
19 Division of Enforcement, Bureau of Consumer Protection. My office address is 600
20 Pennsylvania Avenue, NW, Washington, DC 20580.

21 **THE 2021 INVESTIGATION AND PRODUCTIONS**

- 22 2. As an Investigator with the FTC, my duties include investigating possible violations of
23 the laws and regulations the FTC enforces, and possible violations of Orders obtained by

1 the Commission. In my general duties as an Investigator, I engage in discovering,
2 reviewing, and capturing website content; making undercover calls and purchases;
3 preserving evidence; and analyzing data as it relates to investigations to which I am
4 assigned. However, my specific duties and responsibilities vary on a case-by-case basis.

5 During this investigation I was not asked to review Amazon's document productions.

6 3. I have reviewed a July 16, 2021 email from Katherine Johnson (counsel to the FTC) to
7 Laura Kim (counsel for Amazon), which is included in Attachment 169 to the
8 Declaration of Evan Mendelson. That email asks for "clarification on documents that
9 have already been produced" including "[s]ome of the email communications[.]"

10 Amongst the requested emails were documents with the Bates stamps,
11 AMZN_00004493-4498; AMZN_00004518; and AMZN_00004635-48. These emails
12 were produced by Amazon on June 21, 2021 in the AMZN 004 production which
13 contained the Bates ranges, AMZN_00003707-AMZN_00009357.

14 4. I have reviewed an August 10, 2021 letter from Katherine Johnson to Laura Kim, which
15 is included in Attachment 170 to the Declaration of Evan Mendelson. That letter asks
16 Amazon to supplement its production with additional custodians, including Monique
17 (incorrectly referred to as "Monica") Mascio. Amazon produced no documents
18 containing that name prior to June 21, 2021.

19 5. Beginning in late May of 2025, I, and a paralegal working under my supervision, ran a
20 series of targeted searches on Amazon's productions in *Relativity*.

21 6. A search was conducted for documents marked as "privileged" or "p&c" by using the
22 "File Name" field of the *Relativity* database to search Amazon's productions. (The "File
23 Name" field captures the file name of non-email documents and the subject line of

emails.) In advance of searching the File Name field, Amazon's original search terms ("Prime w/5 of enroll* or sig* or register* or join* or cancel* or unsubscribe*") were applied to the dataset and it was limited to Amazon's original three custodians: Neil Lindsay ("Lindsay"), Jamil Ghani ("Ghani") and Cem Sibay ("Sibay").

7. The terms "privileged," "priv," "p&c," and "p & c" were then run and yielded zero results for productions made between April 22, 2021 (AMZN 001) and November 17, 2021 (AMZN 008).

a. Two hits were returned in the October 25, 2021 production (AMZN 006) for the term, "priv," but they triggered due to the word "privacy," not "privileged," so they were not included in the above totals.

8. The same parameters and search terms were then applied to Amazon's December 23, 2021 production (AMZN 009). The search yielded 99 hit results, meaning Amazon produced 99 documents on December 23, 2021 containing "privileged," "priv," "p&c," or "p & c" in the file name or email subject line.

9. Included within these December 23, 2021 search hits was a July 10, 2020 email from Caroline Moeller ("Moeller") to numerous Amazon employees, including Ghani, with the subject line, "RE: Pre-Review: Prime Clarity and Member Trust [Privileged and Confidential][.]" Ghani is the custodian of this document. As far as I can tell, the attachment to this email (produced in December 2021), with the Bates stamp AMZN_00022835, is the first time Amazon produced a draft, or final version, of the July 24, 2020 memorandum found at Dkt. #330-38.

10. Also present within Amazon's December 23, 2021 production were a series of documents and emails, dated in January-March 2021, relating to preparations for an executive-level

1 meeting regarding a Prime clarity initiative, including at least one draft of a memorandum
2 being prepared for the meeting. My understanding is that this meeting has been referred
3 to in this litigation as the “May 6 Meeting” because it ultimately took place on May 6,
4 2021. As far as I can tell, Amazon’s pre-December 2021 productions contained no
5 documents regarding preparations for this meeting.

6 11. I, or a paralegal working under my supervision, conducted a search in *Relativity* for
7 documents that would have triggered a hit during the investigation using Amazon’s
8 original search terms and custodians, but that were withheld by Amazon and later
9 produced as part of the recently downgraded privileged materials.

10 12. In advance of searching, Amazon’s original search terms (Prime w/5 of enroll* or sig* or
11 register* or join* or cancel* or unsubscribe*) were applied to the dataset, and it was
12 limited to Amazon’s original three custodians: Lindsay, Ghani and Sibay.

13 13. After these search parameters were applied to Amazon’s productions containing recently
14 downgraded privileged material, the “Master Date[,]” “File Modified Date[,]” “Email
15 Sent Date[,]” “and “File Create Date” fields of the database were limited to include dates
16 between March 1, 2018, and April 1, 2022. This search resulted in 2,880 hits in the
17 recently downgraded privileged productions.

18 14. The search parameters were later expanded to include the following additional 5
19 custodians from whom Amazon provided documents prior to April 1, 2022: Sanjay
20 Balakrishnan, Nahson Davidai, Benjamin Hills, Krishna Kumar Rai, and Swami
21 Sundaram.

22 15. 6,733 hits were returned in the recently downgraded privileged productions using the
23 same search terms and parameters as described above with the eight custodians,

1 indicating that these documents likely were withheld from production during the
2 investigation as privileged.

3 **PRIME CANCELLATION**

4 16. On June 4, 2025, I used an undercover FTC computer to access the internet and used the
5 Camtasia recording program to record my activities. I entered the URL for the
6 Amazon.com, Inc. ("Amazon") website, <https://www.amazon.com> and was redirected to
7 the Amazon homepage. I then proceeded to attempt locating a phone number at which I
8 could contact Amazon customer service.

9 17. I scrolled through the homepage to look for a link to customer service. I then clicked on
10 the "Account & Lists" dropdown of the Amazon homepage header bar, clicked on the
11 "Account" option and was redirected to the "Your Account" page of the Amazon
12 website. I scrolled through the page, clicked on the "Customer Service" option, and was
13 redirected to the Amazon customer service hub.

14 18. I clicked on the "Prime" radio button and was redirected to the Prime help topics page
15 (<https://www.amazon.com/hz/contact-us/foresight/hubgateway-issues-3>) with 11
16 customer service topics each represented by a button. I clicked on the button, "Manage
17 or cancel Prime membership" and was redirected to the "Manage or cancel Prime
18 membership" help page ([https://www.amazon.com/hz/contact-us/foresight/hubgateway-](https://www.amazon.com/hz/contact-us/foresight/hubgateway-issues-19)
19 [issues-19](https://www.amazon.com/hz/contact-us/foresight/hubgateway-issues-19)).

20 19. The Manage or cancel Prime membership help page contained narrative text and three
21 options, each represented by a radio button: "Manage your Prime membership[;]"
22 "Cancel your Prime membership[;]" and "I need more help[.]" I clicked on the cancel
23

option and was redirected away from the customer service page to the Iliad cancellation flow.

20. I clicked the back arrow to go back to the Manage or cancel Prime membership help page and clicked on the “help page” hyperlink. I was redirected to a help topic page for Amazon Prime with four categories: “Popular Topics[;]” “Amazon Prime Overview[;]” “Manage Your Prime Membership[;]” and “Amazon Prime Gifting[.]”

21. I navigated to the Manage Your Prime Membership section and selected, “End Your Amazon Prime Membership” from the five provided hyperlinked options and was redirected to the Cancel Your Amazon Prime Membership page of the Help & Customer Service section of the help topics page. I clicked on the Cancel Your Prime Membership hyperlink at the top of the page and was redirected to the Iliad cancellation flow. I clicked on the back arrow to go back to the Cancel Your Amazon Prime Membership page of the Help & Customer Service section. I then clicked on an orange “Cancel Your Prime Membership” button towards the top of the page and was redirected to the Iliad cancellation flow. I clicked on the back arrow to go back to the Cancel Your Amazon Prime Membership page of the Help & Customer Service section.

22. I then typed, “customer service phone number” in the “Find more solutions” box of the Cancel Your Amazon Prime Membership page. The first search result was a hyperlink that said, “Support Options and Customer Service[.]” I clicked on the hyperlink and was redirected to the Support Options and Customer Service page of the Help & Customer Service section of the website.

23. The Support Options and Customer Service page contained a 1:12 video with the header, “How to Get Amazon Customer Service Support[.]” I clicked play on the video, which

1 advised the viewer, “To get support, just select the relevant item or topic related to your
2 issue[, and] If you need further support, select **I need more help** to contact our Customer
3 Service team[,],” and then attempted to recreate the directions featured in the video.

4 24. I navigated back to the Amazon customer service hub, clicked on the “Something Else”
5 radio button and was redirected to the Something Else help topics page. I did not see an
6 “I need more help button” so I selected the “Manage Account” radio button and was
7 redirected to the Your Account page. I then clicked on the Customer Service radio button
8 and was redirected to the Amazon customer service hub.

9 25. I clicked on the Prime radio button and was redirected to the Prime help topics page. I
10 did not see an “I need more help button,” so I selected the “Get help with something else”
11 radio button and was redirected to the Amazon customer service hub.

12 26. I clicked on the “Something Else” radio button and was redirected to the Something Else
13 help topics page. I then clicked on the “I need help with something else” radio button,
14 and a chat window opened up on the screen.

15 27. I then used the “Search our help library” feature to navigate back to the Support Options
16 and Customer Service page. I navigated back through the video and then returned to the
17 Amazon customer service hub where I clicked on the Prime radio button. I then selected
18 the “Manage or cancel Prime membership” radio button and was redirected to the
19 Manage or cancel Prime membership help page. After scrolling down on the page, I
20 located and clicked on the “I need more help” radio button. This brought me to a page
21 with the header, “How would you like to get help?” and the options to either, “Chat with
22 us” or “Request a phone call[.]”
23

1 28. Ultimately, I was unable to locate the Amazon customer service phone number on
2 Amazon's website.

3 29. I then proceeded to attempt to locate an email address to write to in order to cancel a
4 Prime membership. I followed many of the same steps above, including using the
5 customer service radio buttons and using the Find more solutions search box of the Help
6 & Customer Service page. I did not find any search results that provided me with an
7 email address.

8 30. I then navigated back to the Amazon customer service hub and began to click on all of
9 the radio buttons to see if I could locate an email address. When I clicked on the
10 "Accessible support for customers with disabilities" radio button, I was redirected to the
11 Accessible support for customers with disabilities help page and saw two options, (1)
12 "Orders, Accounts, Payments, Memberships and more"; and (2) "Digital Services and
13 Device Support[.]" I clicked on Orders, Accounts, Payments, Memberships and more,
14 which brought me to a page with the header, "How would you like to get help?" This
15 page is similar to that referenced above in paragraph 27 but with the additional options to
16 "Email us[.]"

1 31. I clicked on the "Send us an email" button under Email us and was redirected to a form
2 page where a consumer could type a message to customer service.

3 32. Ultimately, I was unable to locate the Amazon customer service email address on the
4 Amazon website.

5
6 I declare under penalty of perjury that the foregoing is true and correct.
7

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9
10 Executed on June 17, 2025.



Adam Rottner